IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.51 OF 2006

Niraj Bhatia ...Petitioner

v/s

Indian Airlines Ltd. and ors. ...Respondents

Mr Ketan Parekh i/b M/s K.R. Parekh and Co. for Petitioner.

Mr S.M. Dixit with Mr Sudeep Dasgupta i/b Ms Chhaya Shah for Respondent No.1.

CORAM : D.K. DESHMUKH J.

DATE : 17TH APRIL 2006.

P.C. :-

1. The only challenge to the award is that the learned Arbitrator could not have allowed interest for the period from 29th March 1993 to 28th March 1995 i.e. period between issuance of notice and appointment of Arbitrator, for the period from 8th October 1996 to 28th September 2001 i.e. the period during which petition was filed under sections 33 and 41 of the Arbitration and Conciliation Act 1940 was pending and for the period upto 30th November 2005 during the which the matter was adjourned by the learned Arbitrator for settlement. I have heard learned counsel for both the sides. I do not find any justification for disturbing the award in so far as it grants interest for the period after notice was received till the award was made. The learned Arbitrator however, could not have awarded interest for the period after the date of the award. The interest on the awarded amount at the rate of 9 % p.a. from 29th March 1993 is granted till the date of the award i.e. 18th August 2005. Petition is disposed off. As the petition is disposed off, the award impugning the petition is made rule of the Court. The petitioner is directed to pay interest on the amount from the date of award till the date of realisation at the rate of 9 % p.a.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.